

**TOWN OF ORANGETOWN PLANNING BOARD
MEETING OF MARCH 11, 2009**

MEMBERS PRESENT:

Robert Dell, Chairperson; Bruce Bond, Vice-Chairperson; Kevin Garvey; Jeffrey Golda; William Young; John Foody and Andy Stewart

MEMBERS ABSENT: None

ALSO PRESENT: John Giardiello, Director, Department of Building, Zoning , Planning Administration and Enforcement; Robert Magrino, Deputy Town Attorney; Richard Pakola, Deputy Town Attorney; Ann Marie Ambrose, Stenographer and Cheryl Coopersmith, Chief Clerk

Robert Dell, Chairperson called the meeting to order at 7:30 P.M. Mr. Garvey read the agenda. Hearings as listed on this meeting's agenda which are made a part of these minutes, were held as noted below:

Route 9W Golf Subdivision Request for an Extension of the Term of the Performance Bond 78.14/1/2; R-40 zoning district	Granted 18 Month Extension	PB #09-12
G & G Subdivision Request for an Extension of the Term of the Performance Bond or Recommendation to the Town Board to Release the Performance Bond 71.09/1/2.1 & 2.2; R-22 zoning district	Recommended Release of the Performance Bond	PB #09-13
Colonial Court Subdivision Request for an Extension of the Term of the Performance Bond or Recommendation to the Town Board to Release the Performance Bond 69.13/2/2; R-22 zoning district	Postponed by Applicant to March 25th Meeting	PB #09-14
Manhattan Woods Subdivision Request for an Extension of the Term of the Performance Bond 69.11/1/1 & 69.07/1/10.1; R-80 zoning district	Granted 1 Year Extension	PB #09-15
Capital Management Group Site Plan Final Site Plan Review 68.16/6/36; CS zoning district	Final Site Plan Approval Subject to Conditions	PB #09-16

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Barnard Site Plan

Prepreliminary/Preliminary/Final
Site Plan Review and SEQRA
Review/Critical Environmental Area
71.13/1/23; R-22 zoning district

**Final Site Plan
Approval Subject
to Conditions
Neg. Dec.**

PB #08-16

Other Business: The Pointe at Lake Tappan:

The Board reviewed a request by Donald Brenner, P.E., LL.B., the applicant for an extension to sign the Site Plan. The Planning Board Decision, PB #07-56 was approved on October 10, 2007.

The Board received a letter from the applicant dated February 26, 2009, a copy of a letter signed by John S. Edwards, Town of Orangetown Town Attorney to Mr. Brenner, dated February 26, 2009 and an Interdepartmental Memorandum to the Planning Board from Robert Magrino, Deputy Town Attorney, dated March 11, 2009. The Board determined that approval of the Site Plan shall be extended for time period of One Year starting from October 9, 2009 terminating on October 9, 2010.

The decisions of the February 25, 2009 Planning Board Meeting was reviewed, edited and approved. The motion for adoption was made and moved by Kevin Garvey and seconded by Bruce Bond and carried as follows: Robert Dell, abstain; Kevin Garvey, aye; Bruce Bond, aye; Jeffrey Golda, aye; John Foody, aye; Andy Stewart, aye and William Young, aye.

The Decisions of the above hearings, as attached hereto, although made by the Board before the conclusion of the meeting are not deemed accepted and adopted by the Board until adopted by a formal motion for adoption of such minutes by the Board. Following such approval and adoption by the Board, the Decisions are mailed to the applicant. The verbatim transactions are not transcribed, but are available.

Since there was no further business to come before the Board, a motion to adjourn the meeting was made by Bruce Bond and seconded by Kevin Garvey and agreed to by all in attendance. The meeting was adjourned at 8:30 p.m. The next Planning Board meeting is scheduled for March 25, 2009.

DATED: March 11, 2009

Town of Orangetown Planning Board

PB #09-12 - TOWN OF ORANGETOWN – PLANNING BOARD DECISION

**Route 9W Golf Subdivision Plan– Granted 18 Month Extension of
The Term of Performance Bond Subject to Conditions
March 11, 2009
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TO: Christopher Ankner, Lennar, NY, LLC, 1401 Route 52, Fishkill,
New York 12524

FROM: Orangetown Planning Board

RE: **Route 9W Golf Subdivision Plan:** The application of Christopher Ankner, applicant for Lennar, NY, LLC, owner, for a request for an Extension of the Term of the Performance Bond for a subdivision known as “**Route 9W Golf Subdivision**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located on Route 9W, Palisades, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 78.14, Block 1, Lot 2 in the R-40 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 11, 2009**, at which time the Board made the following determination:

Adam Wekstein appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 4, 2009.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated March 11, 2009.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated March 5, 2009.
4. An interdepartmental memorandum signed by Robert Magrino, Deputy Town Attorney, Office of the Town Attorney, Town of Orangetown, dated March 11, 2009.
5. A letter from Christopher J. Ankner, Sr. Community Planning Manger, dated February 3, 2008.
6. PB #06-04, Recommendation to the Town Board to Establish Value of Performance Bond, dated January 11, 2006, with an attached letter from the Town of Orangetown, dated January 12, 2009.

The Board reviewed the plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye, Andy Stewart, aye, Jeffrey Golda, aye, John Foody, aye, Robert Dell, aye, William Young, aye, and Kevin Garvey, aye.

PB #09-12 - TOWN OF ORANGETOWN – PLANNING BOARD DECISION

**Route 9W Golf Subdivision Plan– Granted 18 Month Extension of
The Term of Performance Bond Subject to Conditions
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DECISION: In view of the foregoing, the Board **EXTENDED THE TERM OF THE ROUTE 9W GOLF SUBDIVISION PLAN PERFORMANCE BOND FOR 18 MONTHS, UNTIL SEPTEMBER 10, 2010**, subject to the following conditions:

1. The applicant shall provide proof satisfactory to the Town Attorney's Office that the security for the original performance bond is still in effect.
2. All previous conditions of subdivision approval and performance bond requirement remain in effect.

The foregoing Resolution was made by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, nay; John Foody, aye; Robert Dell, aye; William Young, aye and Kevin Garvey, aye.

The Clerk of the Board is hereby authorized, directed and empowered to sign this **Decision** and file a certified copy in the Office of the Town Clerk and this Office of the Planning Board.

**Dated: March 11, 2009
Town of Orangetown Planning Board**

**PB #09-13 - TOWN OF ORANGETOWN – PLANNING BOARD
RECOMMENDATION**

**G & G Holding Subdivision Plan– Recommendation to the Town Board to
Release the Performance Bond
March 11, 2009**

TO: Donald Brenner, 4 Independence Avenue, Tappan, New York 10983

FROM: Orangetown Planning Board

RE: **G & G Holding Subdivision Plan:** The application of Donald Brenner, applicant, for a Recommendation to the Town Board to Release the Performance Bond for a subdivision known as “**G & G Holding Subdivision**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21 of the Code of the Town of Orangetown. The site is located on Route 9W, Upper Grandview, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 71.09, Block 1, Lot 2.1 & 2.2 in the R-22 zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 11, 2009**, at which time the Board made the following determination:

Donald Brenner appeared and testified.

The Board received the following communications:

1. Project Review Committee Report dated March 4, 2009.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated March 11, 2009.
3. An interdepartmental memorandum signed by Ronald Delo, Director, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated March 5, 2009 and James Dean, Superintendent, Highway Department, dated March 6, 2009.
4. A letter from Donald Brenner, dated January 22, 2009.
5. PB #04-102, Recommendation to the Town Board to Establish Value of Performance Bond, dated October 13, 2004, with an attached letter from the Town of Orangetown, dated January 12, 2009.

The Board reviewed the plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows:

Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, aye and Kevin Garvey, aye.

DECISION: In view of the foregoing, the Board **RECOMMENDED TO THE TOWN BOARD TO RELEASE THE G & G HOLDING SUBDIVISION PERFORMANCE BOND.**

The foregoing Resolution was made by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, aye and Kevin Garvey, aye.

The Clerk of the Board is hereby authorized, directed and empowered to sign this **Recommendation** and file a certified copy in the Office of the Town Clerk and this Office of the Planning Board.

Dated: March 11, 2009

Town of Orangetown Planning Board

PB #09-15 - TOWN OF ORANGETOWN – PLANNING BOARD DECISION

**Manhattan Woods Subdivision– Granted 1 Year Extension of
The Term of Performance Bond Subject to Conditions
March 11, 2009
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TO: John Dolan, Senior Project Manager, WCI Communities, Inc. 115
Stevens Ave., Valhalla, New York, 10595
FROM: Orangetown Planning Board
RE: **Manhattan Woods Subdivision Plan:** The application of
WCI Communities, for request for an Extension of the Term of the Performance
Bond for a subdivision known as “**Manhattan Woods Subdivision**”, in
accordance with Article 16 of the Town Law of the State of New York, the Land
Development Regulations of the Town of Orangetown, Chapter 21 of the Code of
the Town of Orangetown. The site is located on 1 Ahlmeyer Drive and 101-102
Sickletown Road, West Nyack, Town of Orangetown, Rockland County, New
York and as shown on the Orangetown Tax Map as Section 69.11, Block 1, Lot 1
and Section 69.07, Block 1, Lot 10.1, in the R-80 zoning district.

John Dolan appeared and testified.
Heard by the Planning Board of the Town of Orangetown at a meeting held
Wednesday, March 11, 2009, at which time the Board made the following
determination:

The Board received the following communications:

1. Project Review Committee Report dated March 4, 2009.
2. Interdepartmental memorandum signed by John Giardiello, P.E., Director of the Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown, dated March 11, 2009.
3. An interdepartmental memorandum signed by Bruce Peters, P.E., Department of Environmental Management and Engineering (DEME), Town of Orangetown dated March 5, 2009.
4. An interdepartmental memorandum signed by James Dean, Superintendent, Town of Orangetown Highway Department, dated February 10, 2009.
5. An interdepartmental memorandum signed by Robert Magrino, Deputy Town Attorney, Office of the Town Attorney, Town of Orangetown, dated March 11, 2009.
6. PB #03-75, Recommendation to the Town Board to Establish Value of Performance Bond, dated June 26, 2003.
7. A copy of an E-Mail from John Dolan to James Dean, dated September 9, 2008.

The Board reviewed the plan.

The hearing was then opened to the Public. There being no one to be heard from the Public, a motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows:
Bruce Bond, aye, Andy Stewart, aye, Jeffrey Golda, aye, John Foody, aye,
Robert Dell, aye, William Young, aye, and Kevin Garvey, aye.

PB #09-15 - TOWN OF ORANGETOWN – PLANNING BOARD DECISION

**Manhattan Woods Subdivision– Granted 1 Year Extension of
The Term of Performance Bond Subject to Conditions
March 11, 2009
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DECISION: In view of the foregoing, the Board **EXTENDED THE TERM OF THE MANHATTAN WOODS SUBDIVISION PLAN PERFORMANCE BOND FOR 1 YEAR, UNTIL MARCH 11, 2010**, subject to the following conditions:

1. The applicant shall provide proof satisfactory to the Town Attorney's Office that the security for the original performance bond is still in effect.
2. All previous conditions of subdivision approval and performance bond requirements remain in effect.

The foregoing Resolution was made by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Jeffrey Golda, aye; John Foody, aye; Robert Dell, aye; William Young, aye and Kevin Garvey, aye.

The Clerk of the Board is hereby authorized, directed and empowered to sign this **Decision** and file a certified copy in the Office of the Town Clerk and this Office of the Planning Board.

**Dated: March 11, 2009
Town of Orangetown Planning Board**

PB #09-16 -TOWN OF ORANGETOWN – PLANNING BOARD DECISION

Capital Management Group Site Plan; Final Site Plan

Approval Subject to Conditions

March 11, 2009

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TO: Jay Greenwell, PLS; 85 Lafayette Avenue; Suffern, New York 10901

FROM: Orangetown Planning Board

RE: The application of Thomas Mingone, Capital Management Group, applicant, for Joseph Sepkowski, owner, for Final Site Plan Review at a Site Plan to be known as “**Capital Management Group Site Plan**”, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the north side of Central Avenue approximately 200-ft west of Henry Street in Pearl River. The 15,000-Sf site contains an existing 2-story frame dwelling and a paved driveway leading to an existing detached garage with access from Central Avenue. The Applicant proposes to convert the existing dwelling to office space and to expand the building by constructing a new two story addition. The site is located at East Central Avenue, Pearl River, Town of Orangetown, Rockland County, New York and as shown on the Orangetown Tax Map as Section 68.16, Block 6, Lot 36 in the CS zoning district.

Heard by the Planning Board of the Town of Orangetown at a meeting held **Wednesday, March 11, 2009**, at which time the Board made the following determinations:

Jay Greenwell and Joseph Montana appeared and testified.

The Board received the following communications:

1. A Project Review Report dated March 4, 2009.
2. An interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 11, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 11, 2009.
4. A letter from HDR, signed by Harvey Goldberg, P.E., dated February 26, 2009.
5. A letter from Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner, dated February 25, 2009.
6. Letters from Rockland County Highway Department, signed by Sonny Lin, P.E. dated February 20, 2009 and Joseph Arena, Principal Engineering Technician, dated February 23, 2009.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., dated January 26, 2009.

TOWN OF ORANGETOWN – PLANNING BOARD DECISION
Capital Management Group Site Plan; Final Site Plan
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8. A copy of a transmittal to Bruce Peters, P.E., from Jay Greenwell, PLS, dated October 28, 2008, with an attachment to John Giardiello, Director OBAPAE, Town of Orangetown, dated October 27, 2008.
9. Drainage Analysis, prepared by Stuart Strow, P.E., dated July 15, 2008.
10. Copies of ACABOR #09-01, Approved with Conditions, dated January 20, 2009; ZBA #08-101, Approved Required Parking Space and Buffer Variances, dated December 3, 2008 and PB #08-48, Preliminary Site Plan Approval Subject to Conditions, dated September 10, 2008.
11. Plans prepared by Jay Greenwell, PLS, LLC, dated February 7, 2008, revised July 15, 2008:
 - Sheet 1: Site Development Plan
 - Sheet 2: Details
12. A transmittal to the Town of Orangetown commenting on the HDR letter dated February 26, 2008, with an attached letter from Centerpoint Engineering, dated March 9, 2009, signed by Stuart Strow, P.E.

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey seconded by William Young and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Kevin Garvey, aye; John Foody, aye; William Young, aye; Robert Dell, aye and Jeffrey Golda, aye.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall comply with all pertinent and applicable conditions of all previous Board Decisions: ACABOR #09-01, Approved with Conditions, dated January 20, 2009; ZBA #08-101, Approved Required Parking Space and Buffer Variances, dated December 3, 2008 and PB #08-48, Preliminary Site Plan Approval Subject to Conditions, dated September 10, 2008.
2. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."

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Capital Management Group Site Plan; Final Site Plan

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- 3.** The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
- 4.** A detail of the dumpster enclosure shall be provided, indicating height of the enclosure in addition to the material being used.
- 5.** The detail of dumpster enclosure shall be changed to delete the concrete block and replaced with vinyl stockade fencing to match the fencing on the rear of the site. ACABOR #09-01 requested saving a 36 inch oak tree, however, the Town of Orangetown Building Inspectors conducted a site visit and verified that the tree did not exist. In its place the applicant shall save a Japanese Maple tree on the site and note the saving of the tree on the Site Plan.
- 6.** The deep test pit locations and the test results shall be provided on the Site Plan and shown on the Site Plan. These results shall be provided to the Planning Board prior to the issuance of the Final Site Plan Approval.
- 7.** The erosion control plans and details shall be modified to reflect a “stone-filter” system around the proposed catch basin and other drainage facilities, for keeping out silt and foreign material, a detail shall be provided.
- 8.** The existing sanitary sewer building connection shall be shown on the Site Plan.
- 9.** The revised drainage calculations are currently under review by DEME. The required Perc Test information has been received by the DEME Department.
- 10.** The Applicant proposes to convert the existing dwelling to office space and to expand the building by constructing a new two story addition.

The proposed development will increase the impervious area of the site by 4,630SF. This increase in impervious area will also increase the runoff from the site. Two proposed drywell galleries are proposed to mitigate the increase in runoff. Drainage calculations have been provided.

In the drainage consultant's previous review letter dated August 28, 2008, they recommended acceptance for drainage subject to several conditions, the following of which have not been satisfied:

- The Trench Drain Detail shows a trash rack fabricated from rebar on a 3-in grid instead of a trap. This is not acceptable since it will allow floating debris to enter the pipe. The trap must be a solid plate (we recommend using a Campbell Foundry Catch Basin Trap of appropriate size selected from the Catch Basin with Trap Table on Sheet 2).

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Continuation of Condition #10....

- The distance between the Trench Drain Grate EI and the Invert EI is 2.50-ft; therefore, the 30-in dimension shown on the Trench Drain Detail on Sheet 2 must be 36-in, not 30-in.
- The calculations contain a plan showing the impervious surfaces for proposed conditions. The calculations indicate that runoff from the front (south) portion of the developed site will be directed to the front drywell system. However, no details have been provided to show how this will be accomplished. The Drainage Consultant is concerned that runoff from some of these areas (e.g. the proposed building addition and associated porches and ramps) will flow to the north and end up in the rear drywell system that has not been designed for these flows. Provide the necessary information (plans and details) to show how the runoff from these areas will be directed to the front drywell system.
- Provide a detail for the Field Inlet at the rear drywell system. Minimum chamber and grate size should be 30-in square.
- The two drywell system details are not drawn to scale and are deceptive (e.g. based on elevations shown on the plan, the top of the front system is approximately 2.0-ft below grade, but is shown at grade in the detail). Both details should be drawn to vertical scale as a minimum and must show top, bottom and invert elevations and the 3-ft effective depth of the drywells. The top of each drywell should be 12-in maximum below grade. The nominal drywell depth may therefore be greater than 4-ft.
- Remove the 12' x 15' dimension from the 6' Drywell Detail and revise the 4-ft depth.

11. The Rockland County Department of Planning provided the following comments:

The conditions of the February 20 and 23, 2009 letters from the Rockland County Highway Department shall be met.

The lighting plans shall be modified so that no light spills into the County road right of way.

The Town shall be satisfied that appropriate screening of adjacent areas zoned for residential uses is adequate.

The signage, lighting and landscaping plans shall meet all Town requirements. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control

PB #09-16 - TOWN OF ORANGETOWN – PLANNING BOARD DECISION

**Capital Management Group Site Plan; Final Site Plan
Approval Subject to Conditions
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12. The Rockland County Department of Highways reviewed the plans and offered the following comments:

The applicant has successfully responded to all of the Rockland County Department of Highways concerns of its letter dated February 20, 2009 to the Town of Orangetown and is in the process of securing a Work Permit from the Rockland County Department of Highways. The concerns of the February 20, 2009 letter were as follows:

The turning radius at the entrance is shown as 5 feet. It is recommended a minimum of 10 feet radius to be provided instead.

A warning sign shall be posted near the exit of the driveway to reduce the potential pedestrian/vehicle conflict with the neighboring driveway in such close proximity.

A Rockland County Department of Highways Work Permit will be required for the proposed construction adjacent to the County Roadway, and must be secured prior to the start of any excavation or construction on site.

Separate additional Rockland County Highway Departmental Road Opening Permits will be required should the applicant find it necessary to improve and/or upgrade any existing sanitary sewer or utility connections which involves disruption to the paved surface within Central Avenue.

13. The Rockland County Department of Highways submitted the following additional comments:

The proposed design as submitted will have a de minimum impact upon the County Roadway East Central Avenue

The Rockland County Highway Department strictly prohibits road opening from November 15th to April 1st unless an emergency exist for health and human safety.

14. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plats prior to signing the final plans.

15. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

PB #09-16 - TOWN OF ORANGETOWN – PLANNING BOARD DECISION

**Capital Management Group Site Plan; Final Site Plan
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16. TREE PROTECTION: The following note shall be placed on the Site Plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.
- c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.
- d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact:

Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work.

Light Impacts Only – Installation of ¾ inch of plywood or boards, or equal over the area to be protected.

The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

17. All landscaping shown on the Site Plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

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Capital Management Group Site Plan; Final Site Plan

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18. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

19. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

20. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

21. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

22. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

23. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey, and carried as follows: Bruce Bond, aye; Andy Stewart, aye, Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye; William Young, aye and Kevin Garvey, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **Decision** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

Dated: March 11, 2009

Town of Orangetown Planning Board

Planning Board	decd.			
Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	LMS	Town Board	Assessor	Town Attorney
PRC	Superv			

PB #08-16 – TOWN OF ORANGETOWN PLANNING BOARD DECISION

**Barnard Site Plan – Final Site Plan Approval Subject to Conditions;
Neg. Dec.; Critical Environmental Area
March 11, 2009
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TO: Ken DeGennaro, P.E.; Brooker Engineering; 76 Lafayette Avenue;
Suffern, New York 10901
FROM: Orangetown Planning Board
RE: **Barnard Site Plan**: The application of Tracy Barnard, owner, for review of a Site Plan located in the Critical Environmental Area known as “**Barnard Site Plan – Patio Plan**”, for Prepreliminary/Preliminary/Final Site Plan Review and to determine the environmental significance of the application pursuant to the requirements of the New York State Environmental Quality Review Act, in accordance with Article 16 of the Town Law of the State of New York, the Land Development Regulations of the Town of Orangetown, Chapter 21A of the Code of the Town of Orangetown. The site is located on the west side of Route 9W, south of the intersection of Treeline Terrace, at 922 Route 9W, Upper Grandview, New York. Tax Map Numbers: 71.13/1/23, R-22 zone.

Heard by the Planning Board of the Town of Orangetown at meetings held **Wednesday, March 26, 2008 and March 11, 2009** and at which time the Board made the following determinations:

March 26, 2008

Kier Levesque and Tracy Barnard appeared and testified.

The Board received the following communications.

1. Project Review Report dated March 19, 2008.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 26, 2008.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 20, 2008.
4. A letter from HDR signed by Harvey Goldberg, PE, dated February 28, 2008.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner, dated March 7, 2008.
6. A letter from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated February 22, 2008.
7. A letter from the Rockland County Drainage Agency, signed by Edward Devine, Executive Director, dated February 26, 2008.
8. Letters from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated February 21, 2008.

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9. A letter from the Rockland County Sewer District #1, signed by Joseph LaFinadra, Engineer II, dated February 29, 2008.
10. A letter from the Village of Grandview, signed by Donald Vernon, Planning Department, dated March 7, 2008.
11. A letter from the Town of Orangetown Zoning Board of Appeals, signed by Patricia Castelli, dated March 5, 2008.
12. A Short Environmental Assessment Form signed by Tracy Barnard, dated February 13, 2008.
13. A letter signed by Kier B. Levesque, Architect, dated February 19, 2008.
14. Submitted at the meeting, a letter from Tracy Barnard, dated March 26, 2008.
15. A Site Plan prepared by Robert R. Rahnefeld, PLS, dated April 18, 2006, last revised December 20, 2007.
16. Architectural Plans prepared by Kier B. Levesque, R.A., dated
 - A-1: Floor Plans, dated January 8, 2008
 - A-3: Elevations, dated January 7, 2008

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Kenneth DeGennaro and Tracy Barnard appeared and testified.

The Board received the following communications.

1. Project Review Report dated March 4, 2009.
2. Interdepartmental memorandum from the Office of Building, Zoning, Planning Administration and Enforcement, Town of Orangetown, signed by John Giardiello, P.E., Director, dated March 11, 2009.
3. An Interdepartmental memorandum from the Department of Environmental Management and Engineering (DEME), Town of Orangetown, signed by Bruce Peters, P.E., dated March 5, 2009.
4. A letter from HDR signed by Harvey Goldberg, PE, dated February 26, 2009.
5. A letter from the Rockland County Department of Planning, signed by Salvatore Corallo, Commissioner, dated March 6, 2009.
6. Letters from the Rockland County Department of Highways, signed by Joseph Arena, Principal Engineering Technician, dated February 26 & 27, 2009.
7. A letter from the Rockland County Department of Health, signed by Scott McKane, P.E., Senior Public Health Engineer, dated December 16, 2009.

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8. Letters from New York State Department of Transportation, signed by Mary Jo Russo, PE, Rockland County Permit Engineer, dated December 2, 2008.
9. A letter from the New York State Department of Environmental Conservation, Division of Environmental Permits, Region 3, signed by Ellen M. Hart, Environmental Analyst, dated May 28, 2008
10. A Drainage Report prepared by Brooker Engineering dated January 2009.
11. Site Plan prepared by Brooker Engineering, dated January 27, 2009.

A motion was made to close the Public Hearing portion of the meeting by Kevin Garvey and seconded by Bruce Bond and carried as follows: Bruce Bond, aye; John Foody, aye; Jeffrey Golda, aye; William Young, aye, Andy Stewart, aye; Robert Dell, aye and Kevin Garvey, aye.

The proposed action is classified as an “unlisted action” as defined by Section 617.2 (ak) of the New York State Environmental Quality Review Regulations (SEQRR). No agency, other than the Orangetown Planning Board will have any significant involvement in the review process, pursuant to Section 617.6 of SEQRA. On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; Robert Dell, aye; John Foody, aye; Jeffrey Golda, aye and Kevin Garvey, aye the Board declared itself SEQRA Lead Agency.

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant adverse impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

It will not have a significant adverse impact upon the environment and a DEIS will not be prepared because the proposed action does not significantly adversely affect air quality, surface or ground water quality, noise levels, drainage or existing traffic patterns. In addition, it will have no adverse impact upon the aesthetics, agricultural or cultural resources of the neighborhood and no vegetation, fauna or wildlife species will be adversely affected as a result of the proposed action. The proposed action is consistent with the Town’s Master Plan and will not have any adverse economic or social impacts upon the Town of Orangetown, there were no changes in the previous approved site and no increase in site disturbance. In addition, the proposed action is minor in nature and no study of cultural resources is warranted.

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On motion by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Andy Stewart, aye; Robert Dell, aye; John Foody, aye; William Young, aye; Jeffrey Golda, aye; and Kevin Garvey, aye the Board made a Negative Declaration.

DECISION: In view of the foregoing and the testimony before the Board, the application was GRANTED A FINAL SITE PLAN APPROVAL SUBJECT TO THE FOLLOWING CONDITIONS:

1. The following note shall be placed on the Site Plan: "At least one week prior to the commencement of any work, including the installation of erosion control devices or the removal of trees and vegetation, a pre-construction meeting must be held with the Town of Orangetown Department of Environmental Management and Engineering, Superintendent of Highways and the Office of Building, Zoning and Planning Administration and Enforcement. It is the responsibility and obligation of the property owner to arrange such a meeting."
2. The following note shall be placed on the Site Plan regarding Stormwater Management Phase II Regulations: Additional certification, by an appropriate licensed or certified design professional shall be required for all matters before the Planning Board indicating that the drawings and project are in compliance with the Stormwater Management Phase II Regulations.
3. The drainage calculations are currently under review by DEME. The applicant's engineer shall specify whether the Perc Rate given in the supplied drainage calculations, dated January 9, 2009, is assumed or based upon a field survey. If the per rate is assumed, a field Perc Test shall be administered prior to receiving final approval for Site Plan, to ensure adequacy of designed drainage system. The applicant's engineer shall provide a copy of the field Perc Test to DEME and the Building Department.
4. The soil erosion and sediment control plans and details are under review by DEME.
5. A note shall be added to the Site Plan indicating the source benchmark for the referenced datum, including the BM elevation.
6. No grading is to take place within five feet of any property line, except as specified on the approved Site Plan.

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7. The Applicant proposes to construct a new patio (approximately 566 SF) to an existing residential structure. The site is located on the westerly side of Route 9W in Upper Grandview and slopes downward toward Route 9W. A 6-ft diameter by 5-ft effective depth drywell will be provided to mitigate the increase in runoff from the proposed development. A Drainage Plan and calculations have been provided. Upon review of the current submittal consisting of a Plot Plan and Details (Drawing 1) dated January 27, 2009 and a Drainage Report dated January 2009, the Drainage Consultant to the Planning Board believes that the proposed plan can achieve a zero net increase in runoff rate from the developed site under a 24-hr, 100-yr Type III storm. The Drainage Consultant therefore recommends acceptance for drainage subject to the following conditions:

- Provide a calculation for sizing the 4-in roof drain and increase its size if necessary.
- Provide grate, top, invert and bottom elevations for the drywell.

8. A review shall be completed by the New York State Department of Transportation and obtain all required permits obtained.

9. Prior to any grading or construction on the site, a soil and erosion control plan shall be developed that meets the New York State Guidelines for Urban Erosion and Sediment Control.

10. There shall be no net increase in storm water runoff from the site.

11. The Rockland County Department of Planning requests the opportunity to review any zoning variances that may be needed to implement the Site Plan as its required under New York State General Municipal Law Section 239-(3)(a)(v).

12. Based upon the plans and information, the Rockland County Department of Highway found that the requested action would have no foreseeable adverse impact upon county roads in the area. The Town of Orangetown Land Use Boards shall ensure a zero net increase in runoff rate from the developed site shall be achieved. A copy of the drainage study prepared for this project shall be forwarded to Rockland County Department of Highways for its additional review. Additional comments from the Rockland County Department of Highways found that the requested action would have a de minimus impact upon county roads in the area.

13. Application is to be made to the Rockland County Department of Health for review of the Stormwater Management system for compliance with the County Mosquito Code. The applicant's engineer shall contact Brian Hunderfund at RCDOH.

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14. The New York State Department of Environmental Conservation, Division of Environmental Permits held that it had no project specific permit jurisdiction for this action and is not an involved agency for this proposal. The Agency offered the following additional comments:

Stormwater Management: Stormwater discharges that result from construction projects involving the disturbance of 1 or more acres of land require coverage under SPDES.

Cultural Resources: The project is located with an area considered to be sensitive with regard to archaeological resources, however, the Town of Orangetown Planning Board held that since the proposed action is minor in nature that no study of cultural resources was warranted.

15. The applicant shall comply with all pertinent items in the Guide to the Preparation of Site Plans prior to signing the final plans.

16. All reviews and approvals from various governmental agencies must be obtained prior to stamping of the Site Plan.

17. Based upon the Rockland County Drainage Agency (RCDA) evaluation of available mapping and information submitted, it has been determined that the proposed activity is outside the jurisdiction of the RCDA. Therefore, a permit from the RCDA pursuant to Chapter 846, Rockland County Stream Control Act, is not requested based upon its review of the information provided.

18. The following agencies do not object to the Town of Orangetown Planning Board assuming responsibilities of lead agency for SEQRA purposes:

- Rockland County Sewer District #1
- Rockland County Drainage Agency
- Rockland County Department of Health
- Town of Orangetown Zoning Board of Appeals
- Village of Grandview on Hudson

19. The Rockland County Sewer District #1 does not object to the plan as shown. This project does not affect any sanitary sewer sewers within the District and no future correspondence for this site is requested.

20. TREE PROTECTION: The following note shall be placed on the site plan: The Tree Protection and Preservation Guidelines adopted pursuant to Section 21-24 of the Land Development Regulations of the Town of Orangetown will be implemented in order to protect and preserve both individual specimen trees and buffer area with many trees. Steps that will be taken to reserve and protect existing trees to remain are as follows:

- a. No construction equipment shall be parked under the tree canopy.
- b. There will be no excavation or stockpiling of earth underneath the trees.

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Continuation of condition #20.....

c. Trees designated to be preserved shall be marked conspicuously on all sides at a 5 to 10 foot height.

d. The Tree Protection Zone for trees designated to be preserved will be established by one of the following methods:

One (1) foot radius from trunk per inch DBH

Drip line of the Tree Canopy. The method chosen should be based on providing the maximum protection zone possible. A barrier of snow fence or equal is to be placed and maintained one yard beyond the established tree protection zone. If it is agreed that the tree protection zone of a selected tree must be violated, one of the following methods must be employed to mitigate the impact: (1) Light to Heavy Impacts – Minimum of eight inches of wood chips installed in the area to be protected. Chips shall be removed upon completion of work. (2) Light Impacts Only – Installation of $\frac{3}{4}$ inch of plywood or boards, or equal over the area to be protected. The builder or its agent may not change grade within the tree protection zone of a preserved tree unless such grade change has received final approval from the Planning Board. If the grade level is to be changed more than six (6) inches, trees designated to be preserved shall be welled and/or preserved in a raised bed, with the tree well a radius of three (3) feet larger than the tree canopy.

21. All landscaping shown on the site plans shall be maintained in a vigorous growing condition throughout the duration of the use of this site. Any plants not so maintained shall be replaced with new plants at the beginning of the next immediately following growing season.

22. Prior to the commencement of any site work, including the removal of trees, the applicant shall install the soil erosion and sedimentation control as required by the Planning Board. Prior to the authorization to proceed with any phase of the site work, the Town of Orangetown Department of Environmental Management and Engineering (DEME) shall inspect the installation of all required soil erosion and sedimentation control measures. The applicant shall contact DEME at least 48 hours in advance for an inspection.

23. The contractor's trailer, if any is proposed, shall be located as approved by the Planning Board.

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24. If the applicant, during the course of construction, encounters such conditions as flood areas, underground water, soft or silty areas, improper drainage, or any other unusual circumstances or conditions that were not foreseen in the original planning, such conditions shall be reported immediately to DEME. The applicant shall submit their recommendations as to the special treatment to be given such areas to secure adequate, permanent and satisfactory construction. DEME shall investigate the condition(s), and shall either approve the applicant's recommendations to correct the condition(s), or order a modification thereof. In the event of the applicant's disagreement with the decision of DEME, or in the event of a significant change resulting to the subdivision plan or site plan or any change that involves a wetland regulated area, the matter shall be decided by the agency with jurisdiction in that area (i.e. Wetlands - U.S. Army Corps of Engineers).

25. Permanent vegetation cover of disturbed areas shall be established on the site within thirty (30) days of the completion of construction.

26. Prior (at least 14 days) to the placing of any road sub-base, the applicant shall provide the Town of Orangetown Superintendent of Highways and DEME with a plan and profile of the graded road to be paved in order that these departments may review the drawings conformance to the approved construction plans and the Town Street Specifications

27. The Planning Board shall retain jurisdiction over lighting, landscaping, signs and refuse control.

The foregoing Resolution was made and moved by Bruce Bond and seconded by Kevin Garvey and carried as follows: Bruce Bond, aye; Andy Stewart, aye; William Young, aye; John Foody, aye; Robert Dell, aye; Jeffrey Golda, aye and Kevin Garvey, aye.

The Clerk to the Board is hereby authorized, directed and empowered to sign this **DECISION** and file a certified copy in the Office of the Town Clerk and the Office of the Planning Board.

**Dated: March 11, 2009
Town of Orangetown Planning Board**

Planning Board	OBZPAE	RC Planning	RC Drainage	RC Highway
Env. Mgt. Eng.	HDR	Town Board	Assessor	Town Attorney
PRC	Supervisor			

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This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Regulation) of the Environmental Conservation Law.

The PLANNING BOARD, TOWN OF ORANGETOWN, as Lead Agency, has determined that the proposed action described below will not have a significant impact on the environment and a Draft Environmental Impact Statement will not be prepared.

NAME OF ACTION: Barnard Site Plan – Final Site Plan Approval Subject to Conditions; Neg. Dec.; Critical Environmental Area

SEQR STATUS: Type I _____ Unlisted XXXXXX

CONDITIONED NEGATIVE DECLARATION: Yes _____ No XXXXXX

DESCRIPTION OF ACTION: Site Plan Review; Critical Environmental Area

LOCATION: The site is located on the west side of Route 9W, south of the intersection of Treeline Terrace, at 922 Route 9W, Upper Grandview, New York. Tax Map Numbers: 71.13/1/23, R-22 zone.

REASONS SUPPORTING THIS DETERMINATION:

The Orangetown Planning Board, as Lead Agency, determined that the proposed action will not have a significant impact on the environment and a Draft Environmental Impact Statement (DEIS) will not be prepared. The reasons supporting this determination are as follows:

The project will not have a significant impact upon the environment and a DEIS need not be prepared because the proposed action does not significantly affect air quality, surface or ground water quality, noise levels or existing external traffic patterns. In addition, it will have no impact upon the aesthetic, agricultural or cultural resources of the neighborhood. No vegetation, fauna or wildlife species will be affected as a result of this proposed action. The proposed action is consistent with the Town of Orangetown's Master Plan and will not have any adverse economic or social impacts upon the Town or its businesses or residences. In addition, the proposed action is minor in nature and no study of cultural resources is warranted.

If Conditioned Negative Declaration, the specific mitigation is provided on an attachment.

For Further Information contact:

John Giardiello, P.E., Director, Office of Building, Zoning and Planning Administration and Enforcement, Town of Orangetown; 20 Greenbush Road Orangeburg, NY 10962; Telephone Number: 845-359-5100

For Type I Actions and Conditioned Negative Declarations, a copy of this notice is sent: - Commissioner, New York State Department of Environmental Conservation, - Region 3 Headquarters, NYSDEC; - Town Supervisor, Applicant, Involved Agencies